

REMARKS

Applicants respectfully request that claims 9-12, 16 and 33-42 be cancelled in order to place the application in better condition for allowance or appeal. No amendment has been made to claim 43 and no new claims have been added. No new matter has been added to the application by virtue of the present response.

Therefore, claim 43 is pending in the subject application by virtue of the present amendment. It is respectfully requested that the pending claim 43 be considered and passed to issuance.

Claim Rejections

The Examiner has rejected claims 9-12, 16, 33-42 under 35 U.S.C. 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tom (USP 5,704,965); and, claims 9-12, 16 and 33-42 under 35 U.S.C 102(e) as anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wang (USP 6,453,924).

In this Amendment, Applicants have cancelled claims 9-12, 16 and 33-42 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 9-12, 16 and 33-43, prior to this Amendment is not patentable over the art cited by the Examiner. Claims 9-12, 16 and 33-42 were cancelled in this Amendment solely to facilitate expeditious prosecution of this application. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 9-12, 16 and 33-43, as presented prior to this Amendment and additional claims in one or more continuing applications.

Therefore, Applicants believe that the rejection of the claims under 35 U.S.C. 102 and 35 U.S.C. 103 have been overcome.

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Claim Rejections - 35 U.S.C. 112, first paragraph

The Examiner rejected claim 43 under 35 U.S.C. 112, first paragraph. The Examiner stated that “[T]he pressure range limitation of 200 mTorr or less is not supported by the specification as originally filed.”

Applicants respectfully submit that claim 43, as previously presented, is supported by the specification as originally filed. As discussed with the Examiner in a phone conference on November 21, 2008, Applicants refer the Examiner to, for example, paragraph [0024] of the specification as originally filed which states:

“... process chamber 20 is pumped down to a pressure between about 100 mTorr to about 200 mTorr, preferably to about 150 mTorr. At a pressure of about 150 mTorr, liquid hexane desorbs from block 28 resulting in carbon-containing gas 32 due to low pressure in process chamber 20.”

Claim 43 recites a limitation of “... a substantially uniform process chamber pressure of about 200 mTorr or less ...” The chamber pressure claim limitation of “about 200 mTorr or less” is supported by the specification as originally filed since the limitation of “about 200 mTorr or less” is within the pressure range of “about 100 mTorr to about 200 mTorr” which is disclosed in the specification as originally filed. Thus, the limitation of “about 200 mTorr or less” is supported by the specification as originally filed and is not new matter.

Applicants note that the only rejection to claim 43 was under 35 U.S.C. 112, first paragraph, and that no rejection of claim 43 was made under 35 U.S.C. 102 or 103. Therefore, Applicants believe the rejection to claim 43 under 35 U.S.C. 112, first paragraph has been overcome and that claim 43 is now under condition for allowance.

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CONCLUSION

Applicants respectfully request entry of the present response. Applicants respectfully submit that the entire application is in condition for allowance. However, the Examiner is urged to call the undersigned at the number listed below if, in the Examiner's opinion, such a phone conference would aid in furthering the prosecution of this application. A fee for a one month extension of time is due by virtue of this amendment and will be charged to Applicants' Deposit Account, 09-0456, contemporaneously with the filing of this response, as well as any other fee which the PTO determines are due.

Respectfully Submitted,

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